IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16060 of 2004

Between:

T.Rameshwar, s/o late T.Sathaiah,
R/o H.No.5-3-53/10, Saheb Nagar, Vanasthalipuram,
Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Hyderabad,
Near Tank Bund, Hyderabad.
2 The Deputy Commissioner, Circle No.III, M.C.H.,
M.C.H.,Parking Complex, 6th Floor, Abids, Hyderabad-500 001.
3 Sri N.Kondal Raja, s/o Nembori Anjaiah,
r/o H.No.2-2-414, Kummarwadi, Amberpet, Hyderabad-500 013.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the impugned proceedings in Lr.No.964/TC3/MCH/2004 dated 13-8-2004 of the 2nd respondent as incorrect, illegal and arbitrary and consequently direct the respondents No.1 and 2 to restore the proceedings issued by the 2nd respondent in LR.No.964/TC3/C2/MCH/2004 dated 1-3-2004

Counsel for the Petitioner: MR.T.P.ACHARYA

Counsel for the Respondents.: MR.RAMA RAO GANTA

The Court at the stage of admission made the following ORDER:

It is not in dispute that T. Sathaiah, who is the father of the petitioner, expired in the year 1987, and whose name was ordered to be recorded as owner along with N.Anjaiah in the records of Municipal Corporation of Hyderabad over the House property bearing No.2-2-63/1, situate at Amberpet, Hyderabad. On such orders being passed by the second respondent on 01.03.2004, the son of N.Anjaiah–third respondent herein, made a representation to the second respondent, that the order directing to incorporate the name of the petitioner's father along with his father's name as owner of the property is passed without giving any notice to him which is arbitrary and illegal and requested to delete the name of T.Sathaiah from the municipal records.

By the impugned proceedings dated 13-8-2004 the earlier proceedings dated 01.03.2004 are withdrawn restoring the earlier name, which was in existence prior to such proceedings and with a direction to the parties to settle the matter before the competent civil Court.

The impugned order does not suffer from any infirmity warranting interference of this Court. Accordingly, the writ petition is dismissed. No costs.

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A.Gopal Reddy, J

Date: 09.09.2004

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To

1 The Commissioner, Municipal Corporation of Hyderabad,
Near Tank Bund, Hyderabad.
2 The Deputy Commissioner, Circle No.III, M.C.H.,
M.C.H.,Parking Complex, 6th Floor, Abids, Hyderabad-500 001.

3 Two CD Copies